

## REMARKS

Claims 1, 7, 12-13, 17, 21, 27-31, 33-35, 53, 55, 57 and 59 have been amended.

Claims 1, 3-17, 20-31 and 33-61 are pending. Claims 37-52 are withdrawn from consideration.

The rejections under 35 U.S.C. §§ 102 and 103 are now discussed.

Independent claim 13 recites wherein the program terminating time, total program broadcasting time, and display bar are displayed transiently for a predetermined time when the user issues the command and automatically disappear after said predetermined time has elapsed.

In contrast, Fig. 11 of Young teaches that when "select" is pressed, notes are displayed, and when "select" is pressed again, notes are no longer displayed. Thus, a second pressing is required for the information to disappear, as opposed to being automatic, as claimed. Also, column 27, lines 34-38 of Young, teach that grazing titles pop-ups remain on the screen for two seconds. However, this feature appears to apply to titles, not time information.

Independent claims 17, 21, 27, 31, 33, 34, 35, 53, 55, 57 and 61 are similarly patentable over Young.

Independent claim 26 recites displaying "a first percentage number of the time elapsed and a second percentage number of a time remaining versus the total time of the currently viewed program . . . at a position of the display bar corresponding to a percentage of time elapsed versus a total time." At page 35 of the Office Action, the Examiner states that the gray/white shading of bar 72 correspond to the claimed numbers. However, "shading" is not a "number." Applicant notes, for example, present Figs. 4 and 5, which specifically indicate the number 50%. The Examiner also relies upon the Sony instruction manual, however, the position of the percentage shown in this reference does not correspond to elapsed time.

Independent claims 28-30 are similarly patentable over Young.

Regarding independent claims 1, 7 and 12, it is respectfully submitted that the combination of Young and Russo is not proper. To establish a *prima facie* case of obviousness, the following three criteria must be met: There must be some suggestion or motivation to combine the references; there must be a reasonable expectation of success; and the prior art references must teach or suggest all the claim limitations. MPEP 2143.

The Examiner relies upon column 2, lines 17-21 of Russo as providing the requisite motivation to combine the references. Insofar as Russo is generally directed to the environment

of a playback operation, this portion teaches the provision of convenient facilities to communicate *playback progress* and to mark *points of interest* to the user. In contrast, Young is generally directed to live programming, and therefore any benefits directed to a playback environment would not have benefitted the apparatus of Young.

The remaining references do not overcome these deficiencies.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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